

Reinstatement of suspended SCST officials in HTL

3143. MISS FRIDA TOPNO: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the details of SCST officers including Manager (Power Plant) in Hindustan Teleprinters Limited suspended in 1995, and reasons therefor;

(b) whether CBI failed to establish charges against them, if so, details thereof;

(c) whether Madras High Court too quashed suspension order in March, 1997 and were not taken back, but again suspended without being reappointed;

(d) if so, details thereof and reasons therefor; and

(e) whether retired Madras High Court Judge was appointed I.O. in 1997 in violation of Hindustan Teleprinters Limited rules, if so, the details and reasons therefor and problems, if any in appointing serving officer as I.O.?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI TAPAN SIKDAR): (a) Only one SC officer namely Shri A. Palpandian Manager (Power Plant) was placed under suspension w.e.f. 31.07.95. He was suspended following investigation of charges that he had allegedly sold clandestinely the technical know-how of HTL Ltd. to a competing private company for alleged consideration thereby causing wrongful loss to the company.

(b) After preliminary investigation, CBI Madras filed an FIR under Crime No. RC 29(A)/95 dated 30.06.95 stating that offences under sections 120B r/w 420 IPC and Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act 1988 was committed. After investigation, CBI Madras submitted a report stating that "the evidence that could be gathered during the course of investigations are all oral in nature and no documentary evidence could be collected to show that it was A-I (Shri A. Palpandian) who was instrumental in the transfer of technology. The nexus between A-I and A-II (Shri K.V.B. Prasad of M/s Lambda Elcot Ltd.) and the probable *quid-pro-quo* could not be established with the evidence collected during the course of investigation. In the absence of such evidence a clear

case of criminal misconduct could not be established against A-I and A-II thereby warranting prosecution in a court of Law where proof beyond all reasonable doubts is required. However, the misconduct committed by A-I exhibiting lack of integrity and absolute devotion to duty is well established by the available evidence which are sufficient to prove his guilt in a departmental inquiry which is governed by the pre-ponderance of probability theory."

(c) and (d) In the Writ Petition filed by Shri Palpandian in the Hon'ble High Court of Madras in its judgement dated 18.03.97 in the operative part has held that "Now it is represented that the investigation in the case has been completed and the respondents have taken departmental action against the petitioner and in fact charges have been framed on 2.1.97. If that is so, the order of suspension will not survive any longer and accordingly, it is quashed. In the result, the Writ Petition is allowed and liberty is given to the respondents to pass further orders if warranted and the respondents deems fit on the facts of the charges. Consequently W.M.P. NO. 24590 of 1996 is dismissed." The competent authority considering the gravity of the charges placed the Manager (Power Plant) under continued suspension. The officer filed Writ Petition No. 18579 of 1997 before the Hon'ble High Court of Madras for quashing the continued suspension order and the Hon'ble High Court, at its admission stage itself on 16.12.97 did not quash the continued suspension order and advised that inquiry should be completed expeditiously. Moreover, there was no order from the Hon'ble High Court to take back/reappoint the officer under suspension.

(e) In 1997 a retired Judge of Hon'ble High Court of Madras was appointed Inquiry Officer. This appointment was agitated by Shri A. Palpandian as per rule 31(2) of CDA which was amended by HTL with retrospective effect from 23.10.90 i.e. from the date of issue of CDA rules. Justice S.A. Kader retired Judge who was appointed Inquiry Officer also confirmed the invalidity of his appointment and terminated the inquiry and handed over the papers to the management of HTL. HTL appointed on 10.11.97 Mr. M. Raghuchander former Chairman, Administrative Tribunal, Goa as I.O. under the amended CDA rules.